

CITY OF STOCKTON

HOME OCCUPATION CRITERIA AND PERMIT PROCEDURES

(Pursuant to Stockton Municipal Code, Chapter 16,
Sections 16-024.5.10 and 16-031.3)

DEFINITION AND CRITERIA FOR A HOME OCCUPATION

Definition:

A use conducted entirely within a dwelling unit located in an R-1, R-2 or R-3 zone, carried on only by the residents thereof which use is clearly secondary to the use of the dwelling for living purposes as determined by evaluating the criteria listed hereafter and which use does not change the residential character of the dwelling. Said uses are required to have a valid business license.

Criteria:

- A. The following criteria shall be used to evaluate whether a proposed use qualifies as a Home Occupation:
1. Only residents living at the dwelling shall be employed in the conduct of the Home Occupation.
 2. There shall be no sale of products at the dwelling that are not produced at the premises.
 3. There shall be no signs related to the Home Occupation displayed at the premises nor shall supplies and/or products related to the Home Occupation be visible from the exterior of the dwelling.
 4. One vehicle, with a rated carrying capacity of no more than one ton, may be used as part of the Home Occupation provided said vehicle is kept parked so as not to be visible from the street when not in use.
 5. The Home Occupation shall not entail the use, storage or sale of explosives, guns, ammunition, flammable or otherwise hazardous materials as determined by the Fire Department.
 6. No gasoline and/or diesel powered engines are allowed and any mechanical or electrical equipment used in the Home Occupation shall not use an electrical motor exceeding 15 amps at 110 volts.
 7. The Home Occupation shall not create a nuisance to surrounding residents by reasons of noise, light, odor, dust, smoke, fumes, vibrations or electrical interference.
 8. The Home Occupation shall not generate pedestrian or vehicular traffic in excess of that normally attributed to the residential dwelling in which it is located.
- B. The applicant for a Home Occupation Permit shall sign an application form pursuant to Section 16-031.3 certifying that the business will comply with each and every criteria in paragraph A, above. If the property is subject to a lease or rental agreement, the applicant shall also obtain the signature of the owner of the property.
- C. The following uses shall not be considered Home Occupations and therefore do not need a business license or Home Occupation Permit and do not have to comply with the above criteria, provided the use does not occur more often than four (4) days per year:
1. Garage sales of personal property owned by the resident.
 2. Boutique sales of products handmade at the premises.

HOME OCCUPATION PERMIT PROCEDURES

- A. A Home Occupation Permit application shall be signed by the applicant and the owner of the property and shall state that the Home Occupation shall comply with all the conditions set forth in Section 16-024.5. The Permit shall be personal to the applicant, nontransferable to another person or location, and shall terminate upon the cessation of the Home Occupation. The Permit may be revoked by the Community Development Director or the Planning Commission if the permittee fails to comply with the conditions set forth in Section 16-024.5.
- B. Applications for all Home Occupation Permits shall be referred to the Community Development Director. The Director has the discretion to refer the matter to the Planning Commission or to make a written intended decision on the Permit.
- C. In the event that the intended decision of the Director is to approve the Permit, property owners within 300 feet of the subject property shall be notified in writing of the intended decision. Written notice shall be by prepaid notice, and the owners shall be deemed to be the persons to whom the properties were assessed on the last equalized assessment roll. The addresses to which said written notice shall be mailed shall be those shown upon such assessment roll.
- D. No intended decision of the Director shall be effective until after a period of 14 days has elapsed following mailing of the written notices. During this period, any property owner (or in the event of denial of the Permit, the applicant) may file a written, signed objection requesting that the matter be heard by the Planning Commission. The filing of the objection nullifies the Director's determination and the application for a Permit is then scheduled for a public hearing before the Planning Commission.
- E. When applicable, the Planning Commission shall hold at least one public hearing. Written notice of the time and place of the hearing shall be given in the manner specified above in this section at least ten (10) days in advance of the hearing to the applicant and to the owners of properties which are located within 300 feet of the subject property.
- F. The applicant or any person dissatisfied with any action of the Planning Commission may appeal to the City Council by submitting written notice to the City Clerk within ten (10) days of the action of the Planning Commission accompanied by such fees as shall from time to time be set or established by resolution of the City Council. The City Council shall hold a public hearing after notice is given in accordance with the notice provisions in this section. It shall take five (5) concurring votes of the City Council to overrule or modify the decision of the Planning Commission.

ADDITIONAL APPLICATION INFORMATION AND REQUIREMENTS

- A. Application Forms and Filing Fees -- Two (2) copies of the completed application forms must be filed, including all pertinent information, signatures, and the applicable filing fees. Incomplete applications will not be processed. Home Occupation Permit applications, disclosures forms, and fee schedules may be obtained at the Community Development Department/Planning Division, 345 North El Dorado Street, Stockton. Information may also be obtained by telephone by contacting the Planning Division at (209) 937-8266.
- B. Plot Plan -- For Home Occupations proposed within an apartment or other multi-family development, a plot plan of that development showing the location of the applicable unit shall be submitted with the application.
- C. Private Covenants, Conditions, and Restrictions (CC&R's) and Homeowner Associations -- The City is not a party to, nor is it responsible for the enforcement of private CC&R's and, therefore, may authorize home occupations irrespective of private CC&R's restricting such uses. However, since private CC&R's may be enforced through legal actions initiated by a Homeowner's Association and/or by other property owners which are subject to the same CC&R's, it is recommended that applicants for Home Occupation Permits determine whether they are subject to any such CC&R's and obtain any necessary authorization from the applicable homeowner's association prior to filing an application with the City.
- D. Business License -- Prior to filing for a Home Occupation Permit, applicants should contact the City Finance Department at (209) 937-8313 for applicable business license requirements.